

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 5.38.010 of the Lincoln Municipal Code to include
2 condominiums within the definition of "house" and to add "condominium" and "condominium unit" to the definitions
3 pertaining to Chapter 5.38 "Motels, Hotels, Rooming, Lodging, and Apartment Houses" to clarify that condominiums
4 fall within the provisions of Chapter 5.38 in order to ensure that condominium units comply with the minimum housing
5 standards; and repealing Section 5.38.010 of the Lincoln Municipal Code as hitherto existing.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 Section 1. That Section 5.38.010 of the Lincoln Municipal Code be amended to read as follows:

8 **5.38.010 Definitions.**

9 The following words as used in this chapter shall have the following meanings:

10 **Building Official** shall mean the Director of Building and Safety or an authorized representative, who
11 is hereby authorized and directed to enforce all the provisions of this chapter.

12 **House or houses** shall mean rooming houses, lodging houses, apartment houses, motels, and hotels,
13 and condominiums and shall include all buildings, structures, or dwellings containing three or more rooms and/or
14 suites of rooms, or both, in which sleeping accommodations are furnished by the owners or operators, or which are
15 suitable for sleeping accommodations furnished by the tenants or guests, which rooms or suites of rooms are held
16 out to the public to be places where such accommodations are furnished or can be installed, and are rented, let, or
17 leased to members of the public. In the case of apartment houses, a three-unit apartment house with the owner
18 occupying one of the units shall be deemed a house. In the case of condominiums, the area of any three or more
19 single units within a condominium owned by the same individual with the owner occupying one of the units shall be
20 deemed a house. In addition, the area of common elements in a condominium shall be deemed a house.

21 **Condominium** shall mean real estate, portions of which are designated for separate ownership and
22 the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is
23 not a condominium unless the undivided interest in the common elements are vested in the unit owners.

1 **Condominium unit** shall mean a physical portion of the condominium designated for separate
2 ownership or occupancy.

3 **Common elements** in a condominium shall mean and include all portions of a condominium other
4 than the units.

5 Section 2. That Section 5.38.010 of the Lincoln Municipal Code as hitherto existing be and the same
6 is hereby repealed.

7 Section 3. That this ordinance shall take effect and be in force from and after its passage and
8 publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant